

REMARKS

The following claims are pending in the application: 1 - 20

The following claims have been amended: 1 – 8, 10, and 11

The following claims have been deleted: 9, 12 – 20

The following claims have been added: 21 – 23

As a result of the foregoing Amendment, the following claims remain pending in the application: 1 – 8, 10, 11 and 21 – 23.

The Rejection Under 35 U.S.C. §112, second paragraph

The Examiner has rejected claims 3, 4, 14, and 15 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner takes the position as to claims 3 and 14 that the phrase “grid like” is vague and as to claims 4 and 15 that the phrase “said frame structure” lacks antecedent basis.

Applicant respectfully submits that the Examiner’s outstanding rejection of claims 3, 4, 14, and 15 may be properly withdrawn. With respect to claims 3 (and now 8), Applicant has indicated that the layer of material is deposited in a grid like pattern of intersecting lines of material. (See page 11, paragraph [0023]). As to claim 4, Applicant has amended the claim to properly recite “modular unit” rather than “frame structure”. As to claims 14 and 15, Applicant has cancelled the claims. Accordingly, Applicant respectfully submits that the Examiner’s outstanding rejections may be properly withdrawn.

The Judicially Created Double Patenting Rejection

The Examiner has rejected claims 1 through 20 under the judicially created doctrine of double patenting over claims 1 through 16 of U.S. Patent No. 6,112,473; claims 1 through 10 of U.S. Patent No. 6,349,509; and claims 1 through 4 of U.S. Patent No. 6,655,095, since the claims, if allowed, would improperly extend the right to exclude already granted in the patents.

Applicant has amended claims 1 – 8, 10, and 11 (canceling claims 9 and 12 – 20) and respectfully submit that the Examiner's outstanding double patenting rejection is rendered moot in light thereof. Accordingly, Applicant respectfully submits that the Examiner's outstanding rejection may be properly withdrawn.

The Rejection Under 35 U.S.C. §103(a)

The Examiner has rejected claims 1 through 3, 5 through 14, and 16 through 20 under 35 U.S.C. §103(a) as being unpatentable over Hughes (US Pat. No. 3,793,796) in view of Lieberman (US Pat. No. 5,070,668).

As to claims 1 through 3, 5, 6, 8 through 14, 16, 17, 19, and 20, the Examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the panel of Hughes by form/press-molding them with material containing resin fire resistant material, as taught by Lieberman, in order to decrease the number of process steps necessary to fabricate the panel, and to increase the strength and safety of the finished panel. The Examiner notes that the product-by-

process and design/ornamental limitations have not been given patentable weight within the apparatus claims.

Applicant respectfully submits that the Examiner's outstanding rejection of claims 1 – 3, 5, 6, 8 – 14, 16, 17, 19, and 20 may be properly withdrawn as claims 1 – 8 and 10 – 11 have been amended and claims 9 and 12 – 20 have been cancelled. With regard to claims 1 – 3, 5, 6, 8, 10, and 11, Applicant respectfully notes that neither Hughes nor Lieberman teaches or suggests an exterior laminate panel comprising a ceramic-resin layer. Applicant respectfully submits that Lieberman teaches the necessity of a cellular polyvinyl chloride foam core sandwiched between two fiberglass mats to provide the necessary structure and rigidity for the gel layer having the molded stucco appearance. ('668: col. 4, lines 60 – 65) The present invention does not derive rigidity from a cellular foam core, but rather through the use of ceramic fillers in the ceramic-resin layers and the deposition of various layers in a grid-like pattern. As the prior art cited by the Examiner fails to teach or suggest each and every limitation of the sole independent claim – namely an exterior laminate panel comprising a ceramic-resin layer, Applicant respectfully submits that the Examiner's outstanding rejection may be properly withdrawn.

As to claims 7 and 8, the Examiner takes the position that Hughes sets forth the floor panel, the frame, and the beams comprising steel and are welded together.

Applicant has differentiated claim 1 above and respectfully submits that the rejections of claims 7 and 8 – which ultimately dependent from claim 1 – may be properly withdrawn in light thereof.

The Examiner has rejected claims 4 and 15 under 35 U.S.C. §103(a) as being unpatentable over Hughes in view of Lieberman and further in view of Spengler et al (US

Pat. No. 5,709,925) taking the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the modular house of Hughes in view of Lieberman by injecting foam insulation between a frame and exterior panels, as taught by Spengler et al., in order to increase the insulating properties of the modular house component.

Applicant has differentiated claim 1 (from which claim 4 depends) from the combination of Hughes and Lieberman above and respectfully submits that Spengler fails to correct the deficiencies therein. Accordingly, Applicant respectfully submits that the Examiner's outstanding rejection against claim 4 may be properly withdrawn. Applicant has cancelled claim 15.

CONCLUSION

In view of the foregoing amendment and accompanying remarks, the Applicant respectfully submits that the present application is properly in condition for allowance and may be passed to issuance upon payment of the appropriate fees.

Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the subject application is respectfully encouraged.

Respectfully submitted,

Nathan W. Pingel

Date: Aug 16, 2004

By: Michael Stonebrook
Michael Stonebrook
Registration No.: 53,851
Standley Law Group LLP
495 Metro Place South, Suite 210
Dublin, Ohio 43017-5319
Telephone: (614) 792-5555
Facsimile: (614) 792-5536